

REMARKS

In the September 30, 2005 Office Action, claims 1, 2, 10, 11, 16 and 17 stand rejected in view of prior art, while claims 18 and 19 were indicated as containing allowable subject matter. Claims 3-9 and 12-15 are withdrawn from further consideration as being drawn to non-elected species of the invention. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the September 30, 2005 Office Action, Applicants have amended independent claims 1, 10 and 11 as indicated above. Moreover, Applicants have amended claims 18 and 19 to rewrite these claims in independent form to accept the allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. Thus, claims 1-19 are pending, with claims 1, 10, 11, 18 and 19 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Election of Species

In paragraphs 1 and 2 of the Office Action, Applicants' election without traverse in the Applicants' reply filed on July 25, 2005 was acknowledged. Thus, non-elected claims 3-9 and 12-15 were withdrawn from further consideration. However, Applicants respectfully request that non-elected claims 3-9 and 12-15 be rejoined in this application upon allowance of a generic or linking claim, or claims.

Rejections - 35 U.S.C. § 102

In paragraphs 3 to 5 of the Office Action, claims 1, 2, 10, 11, 16 and 17 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No.

2002/0016162 to Yoshihara et al. (hereinafter "Yoshihara et al. publication"). In response, Applicants have amended independent claims 1¹, 10 and 11 to clearly define the present invention over the prior art of record.

In particular, independent claims 1, 10 and 11 are amended to recite content providing area candidates are requested based on a selection criterion *selected by the user*, and at least one of the content providing area candidates is displayed in response to the selection criterion *based on a current position of the mobile device*. Clearly, this structure is *not* disclosed or suggested by the Yoshihara et al. publication or any other prior art of record.

The Yoshihara et al. publication discloses a method of providing contents to a user in which the user is able to reserve geographical and time conditions for downloading the contents. In the Yoshihara et al. publication, the user is provided with content providing area candidates based *only* on the predetermined selection criteria (i.e., the geographical condition and the time condition) for presenting the content providing area candidates. In other words, in the Yoshihara et al. publication, the user is not provided with an option of selecting the selection criterion other than the geographical condition and the time condition. Thus, the Yoshihara et al. publication *fails* to disclose or suggest requesting content providing area candidates based on a selection criterion *selected by the user* as now clearly recited in independent claims 1, 10 and 11.

Moreover, in the Yoshihara et al. publication, the user can reserve *any* geographical area in which the user wishes to download the contents (please see paragraphs [0038] and [0045]-[0047] of the Yoshihara et al. publication). In other words, the content providing area candidates within the user specified geographical area are presented to the user *regardless* of

¹ Independent claim 1 is also amended to eliminate redundant limitations of "a user inputting section and a displaying section" in this claim.

the current position of the mobile device. Thus, the Yoshihara et al. publication *fails* to disclose or suggest displaying the content providing area candidates in response to the selection criterion *based on the current position of the mobile device* as now clearly recited in independent claims 1, 10 and 11.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose *each* and *every* element of the claim within the reference. Therefore, Applicants respectfully submit that independent claims 1, 10 and 11, as now amended, are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that the dependent claims 2, 16 and 17 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 2, 16 and 17 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejection.

Allowable Subject Matter

In paragraph 6 of the Office Action, claims 18 and 19 were indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. In response, Applicants have amended claims 18 and 19 to place these claims in independent form. Thus, independent claims 18 and 19 are believed to be allowable.

Appl. No. 10/645,619
Amendment dated December 12, 2005
Reply to Office Action of September 30, 2005

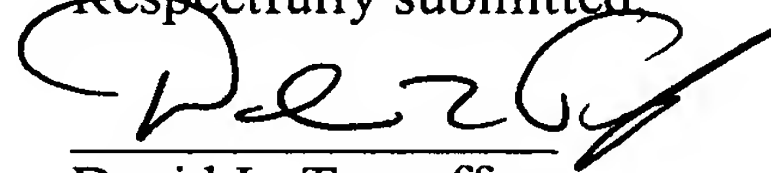
Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-19 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



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